

REMARKS

The Examiner has required an election between Inventions I (recording medium), II (playback apparatus), III (playback apparatus) and IV (another recording medium). In making this requirement, the Examiner indicated that restriction was proper because there would be a serious search and examination burden.

The applicants respectfully disagree with this contention because the examiner has already searched and begun examination of at least claims 1-13. Claims 1 and 3-13 were not amended in the response to the outstanding rejection. Claim 2 was amended to delete a limitation. Therefore, because claims 1-13 are substantially similar to those examined by the examiner in the previous office action, there clearly cannot be any serious burden at least with respect to claims 1-13.

Finally, the present application is a national stage application of PCT/JP04/17220. Accordingly, any election or restriction requirement should be in accordance with the Unity of Invention standard described in 37 CFR 1.49 and MPEP 1893.03(d).

Accordingly, the outstanding election/restriction is improper because it was not made in accordance with the Unity of Invention standard and also because there cannot be any serious burden to the examiner at least with respect to claims 1-13.

Accordingly, the applicants respectfully request examination of claims 6-10 (Invention II), claims 12-13 (Invention III) and claim 14 (Invention IV) as well as elected claims 1-5 and 11 (Invention I).

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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November 23, 2009

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